

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE  
CITY COUNCIL**

**FEBRUARY 7, 2012**

**7:00 p.m.**

Mayor Craig Johnson called the regular meeting of the Sulphur Springs City Council to order at 6:33 p.m. Councilman Spraggins moved to adjourn to executive session in accordance with Texas Government Code 551.072, deliberations regarding real property. Councilman Sellers seconded the motion. There was no one present to speak to the issue. The vote was unanimous. The following council members and staff were present:

Mayor Craig Johnson  
Mayor Pro Tem Freddie Taylor  
Councilman Clay Walker  
Councilman Oscar Aguilar  
Councilman Gary Spraggins  
Councilwoman Kayla Price  
Councilman John Sellers

Absent: None

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Shane Shepard, Community Development Director 7P  
Peter Karstens, Director of Finance 7P  
Jim Bayuk, Chief of Police 7P  
Joey Baker, Director of Tourism/Airport 7P

**OPEN SESSION**

Mayor Johnson reconvened the meeting in open session at 7:00 p.m.

**PLEDGE AND INVOCATION**

Members of Boy Scout Troop 66 led in the pledge of allegiance and Mayor Pro Tem Taylor led in the invocation.

## **MANAGER'S REPORT**

**GILMER STREET** – Gilmer Street is done. You may have noticed that the street was closed for most of the day Monday. We had the brick contractor return to re-lay a portion of the street as some of the bricks were beginning to creep.

**MAIN/COLLEGE STREET** – Work is progressing quickly. We poured 260 cubic yards of concrete today. Sidewalks, trees, and streetlights are next, as well as the small portion on the County's property. We will also be removing the remainder of the brick in the interior of the square very soon in preparation for the plaza improvements.

## **SUMMER WINTER PAVING PROGRAM –COMPLETED!**

**NEW CITY HALL** – The asbestos and lead-based paint have been removed from the interior of the old library building. The exterior paint will not be removed until the construction project is ready to begin which should be in late April. In the meantime we will remove the mezzanine and perform some demolition outside in preparation for site work.

**HOME GRANT PROGRAM** - We had five successful applicants on the previous round of HOME grant funding. Two are nearly completed. Slabs are in place for the other three. The contractor has until July to complete the homes.

We have five more applicants for funding for additional homes in the works. Some of them look fairly promising. The HOME grant program is funded by HUD. It pays for the replacement of old dilapidated homes for qualifying low and moderate income applicants.

**CLAIMS** – We did not have any worker's compensation claims in January, but we did have three liability claims all relating to sewer overflows of one form or another. All three claims have been submitted to TML for consideration.

**REVENUES AND EXPENDITURES** – Finance Director, Peter Karstens will present a year-to-date review of revenues and expenditures.

**MISCELLANEOUS** – Elsewhere around the City, employees:

- Sold 9,456 gallons of jet fuel and 1,444 gallons of aviation gas.
- Repaired 36 water main ruptures.
- Installed 2 water taps and replaced 17 water meters.
- Unstopped 35 sewer mains.
- Repaired 19 sewer mains and installed one new sewer tap.
- Patched 42 potholes and made 35 street repairs following underground utility

repairs.

- Cleared out Peavine Pinion Pool in preparation for the Larry Buster Memorial Sulphur Springs Kids Trout Fishing Day at Buford Park.
- Conducted 30 health inspections and 27 public nuisance inspections.
- Conducted 34 building inspections, 14 electrical inspections, 14 plumbing inspections, and 9 miscellaneous inspections.
- Repaired Highway 11 lift station.
- Repaired influent storage basins at wastewater treatment plant.
- Hauled 300 cubic yards of sludge to the landfill.
- Responded to 196 animal control calls and achieved an adoption rate of 60%.
- Began using electronic ticket writers.
- Made 12 felony arrests in the special crimes unit.
- Responded to 40 accidents, made 98 arrests, wrote 652 citations and recorded 67 offenses.
- Responded to 112 fire/rescue calls.
- Conducted 31 fire inspections.
- Performed preventative maintenance on 111 fire hydrants.
- Treated 109 million gallons of drinking water.
- Put a new roof on the Gray's Building, painted the interior and power-washed the exterior.
- Checked out 2,112 materials from the library.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of January 3, 2012; Zoning Board of Adjustments and Appeals meeting minutes of January 17, 2012; Downtown Revitalization Board meeting minutes of January 17, 2012; and the Economic Development Corporation meeting minutes of December 19, 2011. There was no one to speak to the issue. Mayor Pro Tem Taylor moved to approve the consent agenda as presented. Councilman Sellers seconded the motion and the vote was unanimous.

**The motion carried.**

### **DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2610 AMENDING SECTION 25 OF THE CITY OF SULPHUR SPRINGS CODE OF ORDINANCES BY ADDING SECTION 25-58 WHICH PROHIBITS THE USE OF ENGINE BRAKES (AKA AS "JAKE BRAKES")**

This ordinance prohibits the use or operation of an auxiliary or compression engine brake which produces any noise in addition to the normal operating engine noise inside the city limits. This provision is not intended to prohibit the passage of vehicles equipped with engine brakes or "Jake Brakes" in posted areas but rather prohibit the use of such

equipment in posted areas except in an emergency situation. The term “emergency situation”, for the purpose of this ordinance, shall mean there is imminent danger of collision with property, persons, or animals. There was no one else to speak to the issue. Councilman Walker moved to approve the ordinance as presented on the first reading. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1025 CALLING FOR ELECTION FOR PLACES 1, 2, AND 3, NAMING ELECTION JUDGES, AND SETTING DATES FOR EARLY VOTING**

***(La discusión/acción en la Resolución el numero 1025(S) pidiendo la elección coloca 1, 2, y3, llamando a jueces de elección, y poniendo fechas para la votación temprana.)***

Resolution No. 1025 calls for a City Council election for places 1, 2, and 3 to be held Saturday, May 12, 2012. The resolution also sets the dates for making application for place on the ballot, for early voting, and for mail ballot deadlines as well as naming the Early Voting election clerk and voting judge. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to pass and approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

Resolución el numero 1006(S) ordeno para una elección de ayuntamiento para sitios 1, 2, y 3 ser sostenida el sábado el día 12 de Mayo 2012. La resolución también pone las fechas para hacer la aplicación para el lugar en las votaciones, para la votación temprana, y durante fecha limites de votación de correo así como nombramiento del oficinista de elección de votación temprano y el juez de votación. No había más para hablar a la cuestión. El concejal Taylor se movió para aprobar la resolución como presentado. El concejal Price estuvo de acuerdo y el voto era unánime.

**The motion carried.**

**DISCUSSION/ACTION ON ANNUAL REPORT REGARDING TRAFFIC STOPS AND ARRESTS**

In accordance with Article 2.134(b) of the Texas Code of Criminal Procedures all law enforcement agencies must submit information collected under Article 2.133, Code of Criminal Procedure, to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Chief of Police Jim Bayuk presented the staff report. There was no one else to speak to the issue. Councilman Sellers moved to approve the report as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1026 SUPPORTING THE PROPOSED HEARTLAND VILLAGE APARTMENTS AND APPROVING APPLICATION FOR HOME FUNDS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

Heartland Village, Ltd., intends to submit a joint application to the Texas Department of Housing and Community Affairs for 2012 Housing Tax Credits and HOME Investment Partnership Program funds for Heartland Village Apartments. The proposed affordable rental housing development of up to 80 units would be located on the south side of Highway 11 (aka Wildcat Way) and south of the intersection of CR1103 and Highway 11. Audrey Martin, Realtex Development Corporation, was available to answer any questions. There was a general discussion. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Mayor Pro Tem Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1027 SUPPORTING THE PROPOSED STONEBRIDGE OF SULPHUR SPRINGS DEVELOPMENT AND APPROVING APPLICATION FOR HOME FUNDS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

GS Sulphur Springs, LP, intends to submit a joint application to the Texas Department of Housing and Community Affairs for 2012 Housing Tax Credits and HOME Investment Partnership Program funds for Stonebridge of Sulphur Springs. The proposed affordable rental housing development of up to 80 units would be located on the south side of Main Street and 250 yards west of Hillcrest Drive. Dru Childre, Stonebridge, was available to answer any questions. There was a general discussion. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Mayor Pro Tem Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1028 SUPPORTING THE PROPOSED ROYAL GARDENS AND APPROVING APPLICATION FOR HOME FUNDS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

1200 College Street, LLC, intends to submit a joint application to the Texas Department of Housing and Community Affairs for 2012 Housing Tax Credits and HOME Investment Partnership Program funds for Royal Gardens. The proposed affordable rental housing development of up to 80 units would be located at approximately the 1200 block of College Street. Benjamin Farmer, Hamilton Valley Management, Inc., was available to answer any questions. There was a general discussion. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as

presented. Mayor Pro Tem Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ADOPTION OF PROPOSED CITY OF SULPHUR SPRINGS REVITALIZATION PLAN FOR 2012**

The implementation of this plan assists developers in obtaining state and federal assistance, such as tax credits, if the development occurs within one of the designated areas. A targeted revitalization area is set forth with the intention to improve the quality of life for residents of the City of Sulphur Springs through economic development, community development and housing production. There was a general discussion. There was no one else to speak to the issue. Councilman Spraggins moved to approve the plan as presented. Mayor Pro Tem Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR FIVE (5) 10” FILTER RATE OF FLOW CONTROLLERS AND FILTER MEDIA FOR SIX (6) FILTERS AT THE WATER TREATMENT PLANT**

The City advertised for bids on rate of flow controllers and filter media to maintain the filters at the Water Treatment Plant. Three of the rate of flow controllers have been in operation since the plant opened in 1966. The other two were installed in 1985. They all have problems maintaining the water level in the filters. The filter media was installed in 1999 and normally has a life span of 10-15 years before it starts causing turbidity problems. We are experiencing minor problems now. Low bids were submitted on January 24, 2012 by the following companies:

	Each	Total Bid
Five (5) Rate of Flow Controllers- WWater Tech Inc. Bedford, TX	\$6,710	\$33,550
Filter Media for six (6) Filters – Unifilt Corporation Ellwood City, PA		\$70,400

There was no one else to speak to the issue. Councilman Spraggins moved to approve the bids and award the contract to the low bidders. Councilman Sellers seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR A USED HEAVY EQUIPMENT TRACTOR**

The city advertised for bids and one bid was received from S & S Truck – Tractor Sales of Tyler, Texas. The bid was in the amount of \$64,104.65 for a 2000 Freightliner. There was no one else to speak to the issue. Councilman Spraggins moved to approve the bid and award the contract. Councilman Sellers seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1029 SUSPENDING THE MARCH 6, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION (ATMOS MID-TEX) REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE (ACSC) AND OTHER CITIES IN THE ATMOS MID-TEX SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FIND THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL**

The purpose of this resolution is to extend the effective date of Atmos Mid-Tex's proposed rate increase to give the City time to review the rate-filing package. The resolution suspends the March 6, 2012 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working with the other ACSC cities, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy to pursue, including settlement and ultimately to approve reasonable rates. Burt Slaughter, Atmos Energy, was available to answer any questions. There was a general discussion. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FORMAL COMPLAINT FILED ON 226 MAIN STREET**

In March of 2009, the City Council found the building at 226 Main Street to be a nuisance, and ordered the nuisance abated. The building was in a general state of deterioration. Specifically, the roof leaked and occasionally it leaked enough water to affect the building next door (Audrey's Fabrics). The owners of 226 Main performed a little patching on the roof. Now that the drought appears to be breaking, the water problems are back, and the building has an additional problem, rodents. Staff needs the

City Council's direction for addressing this issue. There was a general discussion. Charles Oxford and Donna Smith addressed the City Council with questions and comments regarding the property. There was no one else to speak to the issue. Councilman Spraggins moved to direct staff to take the necessary measures that are in place to the full extent to enforce owners of abated structures that have been declared a nuisance to address the problem, not only downtown but throughout the city. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON MOTION TO RETAIN ALAN PLUMMER ASSOCIATES TO PERFORM A TREATED WASTEWATER EFFLUENT INDIRECT REUSE IMPLEMENTATION STUDY**

Staff has proposed in the past the idea of selling our unused water in Cooper Lake to fund a pipeline and the necessary improvements at the Wastewater Treatment Plant and Lake Sulphur Springs to reuse treated effluent. The idea was to capture treated effluent and pump it upstream to Lake Sulphur Springs. Staff would not feel comfortable pursuing a sale of water unless our back-up water supply (Lake Sulphur Springs) is full which it is as this time. Additionally, staff would like for Alan Plummer Associates to evaluate the possibility of dredging Lake Sulphur Springs. The City Council was presented with the proposal. There was a lengthy general discussion regarding the proposal and expense of the study. Councilman Walker moved to retain Alan Plummer Associates to perform a treated wastewater effluent indirect reuse implementation study. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM REGARDING THE PURCHASE OF REAL PROPERTY**

This building is located at 218 Tomlinson and, if purchased, would be used for storage for downtown events and maintenance, stage equipment, barricades, maintenance equipment, etc. There was no one to speak to the issue. Councilman Spraggins moved to approve the purchase of 218 Tomlinson for \$28,000. Councilman Sellers seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR A MANAGEMENT CONSULTANT FOR THE TEXAS CAPITAL FUND PROGRAM PROJECT UNDER THE DOWNTOWN REVITALIZATION PROGRAM**

Staff advertised and sent letters to five (5) vendors. Proposals were due by 2:00 p.m. on



December 16, 2011. The only bid received was from Municipal Development Services in the amount of \$15,000.00. Kim Lacey, Municipal Development Services, addressed the City Council and was available to answer any questions. There was no one else to speak to the issue. Councilman Sellers moved to accept the bid and award the contract to Municipal Development Services. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1030 DESIGNATING THE AUTHORIZED SIGNATORIES FOR DRAWDOWN REQUESTS FROM THE TEXAS DEPARTMENT OF AGRICULTURE**

This item is part of the grant process under the Downtown Revitalization Program awarded to the City of Sulphur Springs by the Texas Department of Agriculture. This resolution appoints signatories. Kim Lacey, Municipal Development Services, was available to answer any questions. There was no one else to speak to the issue. Councilman Sellers moved to approve the resolution as presented. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1031 ADOPTING A LOCAL CONTRACTOR OPPORTUNITY PLAN**

This item is part of the grant process under the Downtown Revitalization Program awarded to the City of Sulphur Springs by the Texas Department of Agriculture. This resolution adopts a local contractor opportunity plan. Kim Lacey, Municipal Development Services, was available to answer any questions. Mr. Oxford asked a question. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1032 ADOPTING SECTION 504 GRIEVANCE PROCEDURES**

This item is part of the grant process under the Downtown Revitalization Program awarded to the City of Sulphur Springs by the Texas Department of Agriculture. This resolution adopts grievance procedures. Kim Lacey, Municipal Development Services, was available to answer any questions. There was no one else to speak to the issue. Councilman Sellers moved to approve the resolution as presented. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1033 DESIGNATING THE MONTH OF FEBRUARY AS FAIR HOUSING MONTH**

This item is part of the grant process under the Downtown Revitalization Program awarded to the City of Sulphur Springs by the Texas Department of Agriculture. This resolution designates the month of February as Fair Housing Month. Kim Lacey, Municipal Development Services, was available to answer any questions. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1034 ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE**

This item is part of the grant process under the Downtown Revitalization Program awarded to the City of Sulphur Springs by the Texas Department of Agriculture. This resolution establishes rules and regulations regarding the use of excessive force. Kim Lacey, Municipal Development Services, was available to answer any questions. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**VISITORS/PUBLIC FORUM**

Charles Westbrook, 2005 Park Springs Road, addressed the City Council giving them the history of his issue and distributed pictures. His property backs up to Wal-Mart and where the easement is located stays filled with water. He stated all the entities place the blame on the other and he needs help. The City Manager directed the City Secretary to set a meeting for the City Attorney, City Manager, and Mr. Westbrook in the near future.

**ADJOURN**

With all business complete the meeting was adjourned at 8:46 p.m.